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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,565	06/19/2001	Kozo Kawakita	450108-02368	1859

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EXAMINER

LUK, LAWRENCE W

ART UNIT PAPER NUMBER

2187

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/868,565	KAWAKITA, KOZO	
	Examiner	Art Unit	
	Lawrence W. Luk	2187	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6,8,17,19,36,44-59,61 and 63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17,19,44-59,61 and 63 is/are allowed.
- 6) ☒ Claim(s) 36 is/are rejected.
- 7) ☒ Claim(s) 6 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The indicated allowability of claim 36 is withdrawn in view of the newly discovered reference(s) to Shioda et al. (6,661,571).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shioda et al. (6,661,571).

Claim 36

As to claim 36, Shioda et al. disclose in figure 70 and 71, a robot apparatus, comprising: movement generating means for generating a movement; detection means **(843)** for detecting that a predetermined area is rocked; and control means for controlling said movement generating means **(851)**, characterized in that when it is recognized that said predetermined area is rocked on the basis of a detection result of said detection means in a state in which generation of said movement is stopped, said control means **(850)** controls said movement generating means to start generation of said movement wherein said predetermined area is a body portion of the robot apparatus. **(see column 65, line 63 to column 66, line 5, it is obvious for the robot**

manipulator to move to the target positions in accordance with the teaching of Shioda et al.)

Allowable Subject Matter

4. **Claims 17, 19, 45-59, 61 and 63** are allowed.

Claims 44 and 51

The primary reason for allowance of the Claims 44 and 51 is the inclusion of wherein said predetermined movement is a movement to change a pose of said robot apparatus from a first pose during charging to a second pose to notify of completion of charging by moving said movable portion at completion of charging of said charging battery.

Claims 17, 19 and 45-50 depend from claim 44 and therefore are allowable for at least the same reasons noted above with respect to claim 44.

Claims 52-59 depend from claim 51 and therefore are allowable for at least the same reasons noted above with respect to claim 51.

Claim 61

The primary reason for allowance of the Claims 61 is the inclusion of said predetermined movement is a movement to notify of completion of charging of said charging battery characterized in that said robot apparatus has a head, and said predetermined movement is a movement to raise said head.

Claim 63

The primary reason for allowance of the Claims 63 is the inclusion of said predetermined movement is a movement to notify of completion of charging of said charging battery characterized in that said robot apparatus has a tail, and said predetermined movement is a movement to wag said tail.

5. Claims 6 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The primary reasons for allowance of **Claim 6** in the instant application is the combination with the inclusion in these claims that **said robot apparatus has a head, and said predetermined movement is a movement to raise said head.**

The primary reasons for allowance of **Claim 8** in the instant application is the combination with the inclusion in these claims that **said robot apparatus has a head, and said predetermined movement is a movement to wag said tail.**

: IMPORTANT NOTE :

If the applicant should choose to rewrite the independent claims to include the limitation recited in claims 6, 8 the applicant is encouraged to amend the **title of the invention** such that it is descriptive of the invention as claimed as required by sec. **606.01** of the **MPEP**. Furthermore, the **Summary of the Invention** and the **Abstract** should be amended to bring them into harmony with the allowed claims as required by paragraph 2 of **§ 1302.01** of the **MPEP**.

As allowable subject matter has been indicated, applicant's response must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 C. F. R. § 1.111(b) and § 707.07 (a) of the M.P.E.P.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence W Luk whose telephone number is (571) 272-2080. The examiner can normally be reached on 7 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald A Sparks can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding are (703) 746-7239, (571) 272-2100 for regular communication and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to receptionist whose telephone number is (571) 272-2100.

LWL
March 27, 2006

Lawrence Luk
examiner
3/27/06